

REMARKS

Claims 1 through 10 still remain in this application.

It is noted with gratitude that claims 3-10 are allowed.

Claim 2 is hereby amended to depend from claim 1. It is believed that this amendment overcomes the § 112 rejection.

Reconsideration of the rejection of claims 1 and 2 as being unpatentable over Tribble (3823720) in view of Cocanower (5334167) in light of 35 U.S.C. § 103 (a) is respectfully requested.

The Examiner relies on the Tribble patent to show a teachings of an irrigation and suction medical device and admits that this reference does not include a side surface discharge port. To this end, the Examiner relies on the Cocanower reference to show a teachings of a discharge port mounted on the side surface. And then concludes that one of ordinary skill could modify Tribble with the side surface discharge port of Cocanower. It is respectfully submitted that this interpretation of the patents and the conclusion is untenable. For the sake of arguing, even assuming *arguendo* that these references could be combined, when combined as suggested by the Examiner, this combination fails to meet the limitations in claims 1 and 2 and is far different from the teachings of the present invention.

To begin and before analysing the claims, Cocanower's teachings is the use of a sheath attached to a well known gasogastric tube. The sheath allows the gastric intubation of an enteral feeding tube. In other words what is disclosed by Cocanower is a method of installing a feeding tube without having to pass through different nares. The nare is traversed by the gasogastrict tube and the feeder tube utilizes this passage by way of the sheath. The feeding tube merely serves to feed nutrients to the patient and is not a device for providing irrigation. Hence, it is believed

that there are no teachings, suggestions or motivations noted in this reference to change the direction of the irrigation fluid.

With respect to the analysis of the rejected claims, claims 1 and 2 are limited to “ means attached to said irrigation tubular member and said suction tubular member for positioning said discharge port to change the direction of said discharge port for delivering irrigation fluid to a different area in the surgical site”. Where are the means for positioning the side surface discharge tube of Cocanower that allows one to change the direction of the irrigation fluid. Moreover, Cocanower doesn’t flow irrigation fluid.. Cocanower merely inserts nutrients into the stomach and has no requirement to change the direction to where the nutrient is introduced therein. Why would one expect this structure to have a directional capability? It is respectfully submitted that these references, taken singularly or collectively, do not render applicants’ claimed invention obvious, and as a matter of fact these structures do not even suggest the use of an irrigation tube that can be rotated 360 degrees as is the case of the present invention. The Examiner’s attention is directed to the title of this invention, where it states “directional irrigation” which is a good clue as to the nature of the present invention. It is believed that these references fail as being pertinent and that the § 103 (a) rejection should be withdrawn.

In view of the foregoing, it is believed this application is in condition for allowance and the allowance thereof is respectfully requested.

Respectively submitted,

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Date: February 8, 2005